

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

2015 OCT 23 PM 1:18

DEPUTY CLERK

DEWAYNE MARKS SHELTON, PRO SE, §  
also known as DEWAYNE SHELTON, §  
TDCJ-CID ID No. 1254161, §  
Previous TDCJ-CID ID No. 501982, §  
Previous TDCJ-CID ID No. 597443, §  
Previous TDCJ-CID ID No. 654289, §

Plaintiff, §

v. §

2:15-CV-0281

JANELLE C. HOLLOWAY, CO IV; §  
JULIE M. EVANS, Counsel Substitute; §  
VICKIE D. BROWN, Counsel Substitute; §  
DONALD C. DEAN, JR., Disciplinary §  
Hearing Officer/Captain; §  
BARRY L. MARTIN, Senior Warden; and §  
JAMES R. BEACH, Asst. Warden, §

Defendants. §

**ORDER OF PARTIAL DISMISSAL**

Plaintiff DEWAYNE MARKS SHELTON, acting pro se and while a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-named defendants and was granted permission to proceed in forma pauperis.

On September 22, 2015, a Report and Recommendation of Partial Dismissal was issued by the United States Magistrate Judge recommending plaintiff's claims against defendants JANELLE C. HOLLOWAY, CO IV; JULIE M. EVANS, Counsel Substitute; VICKIE D.

BROWN, Counsel Substitute; and BARRY L. MARTIN, Senior Warden, be dismissed with prejudice as frivolous.

Plaintiff filed his Objections on October 9, 2015.

By his Objections, plaintiff points out the Court made a clerical mistake in that it referred to his disciplinary case as case no. 2014029145, instead of 20130291345. In the Report and Recommendation of Partial Dismissal, the Court referenced the disciplinary case twice: once, as case no. 2014029145, and later on the same page, as case no. 20130291345<sup>1</sup>. The presence of that clerical error the first time the Court set forth the disciplinary case number does not alter the validity of the Court's analysis.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation of Partial Dismissal, as well as the Objections filed by the plaintiff.

The Court is of the opinion that the Objections of the plaintiff should be OVERRULED and the Report and Recommendation of Partial Dismissal by the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does OVERRULE plaintiff's objections and does hereby ADOPT the Report and Recommendation of Partial Dismissal by the United States Magistrate Judge.

IT IS THEREFORE ORDERED that the Civil Rights Claims pursuant to Title 42, United States Code, section 1983, by plaintiff DEWAYNE MARKS SHELTON against defendants JANELLE C. HOLLOWAY, CO IV; JULIE M. EVANS, Counsel Substitute; VICKIE D.

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<sup>1</sup>See September 22, 2015 Report and Recommendation at page 3, first full paragraph and last full paragraph of the page.

BROWN, Counsel Substitute; and BARRY L. MARTIN, Senior Warden, be dismissed with prejudice as frivolous

LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk shall send a copy of this Order to plaintiff and to any attorney of record.

It is SO ORDERED.

Signed this the 23rd day of October, 2015.

S/ MARY LOU ROBINSON

MARY LOU ROBINSON  
United States District Judge